



General Assembly

February Session, 2006

Raised Bill No. 164

LCO No. 632

00632_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING PATIENT ACCESS TO PHYSICAL THERAPY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (2) of section 20-66 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2006*):

4 (2) "Physical therapy" means the evaluation and treatment of any
5 person by the employment of the effective properties of physical
6 measures, the performance of tests and measurements as an aid to
7 evaluation of function and the use of therapeutic exercises and
8 rehabilitative procedures, with or without assistive devices, for the
9 purpose of preventing, correcting or alleviating a physical or mental
10 disability. [Physical therapy] "Physical therapy" includes the
11 establishment and modification of physical therapy programs,
12 treatment planning, instruction, wellness care, peer review and
13 consultative services, [. The term "physical therapy"] but does not
14 include surgery, the prescribing of drugs, the development of a
15 medical diagnosis of disease, injury or illness, the use of cauterization
16 or the use of Roentgen rays or radium for diagnostic or therapeutic
17 purposes.

18 Sec. 2. Subdivision (2) of section 20-66 of the general statutes, as
19 amended by section 12 of public act 00-226, is repealed and the
20 following is substituted in lieu thereof (*Effective the later of October 1,*
21 *2000, or the date notice is published by the Commissioner of Public Health in*
22 *the Connecticut Law Journal indicating that the licensing of athletic trainers*
23 *and physical therapist assistants is being implemented by the commissioner):*

24 (2) "Physical therapy" means the evaluation and treatment of any
25 person by the employment of the effective properties of physical
26 measures, the performance of tests and measurements as an aid to
27 evaluation of function and the use of therapeutic exercises and
28 rehabilitative procedures, with or without assistive devices, for the
29 purpose of preventing, correcting or alleviating a physical or mental
30 disability. "Physical therapy" includes the establishment and
31 modification of physical therapy programs, treatment planning,
32 instruction, wellness care, peer review and consultative services, but
33 does not include surgery, the prescribing of drugs, the development of
34 a medical diagnosis of disease, injury or illness, the use of cauterization
35 or the use of Roentgen rays or radium for diagnostic or therapeutic
36 purposes.

37 Sec. 3. Subdivision (2) of subsection (a) of section 20-73 of the
38 general statutes is repealed and the following is substituted in lieu
39 thereof (*Effective October 1, 2006*):

40 (2) (A) The treatment of human ailments by physical therapy shall
41 only be performed by a person licensed under the provisions of this
42 chapter as a physical therapist. Except as otherwise provided in
43 subparagraph (B) of this subdivision, such treatment may be
44 performed by a licensed physical therapist without an oral or written
45 referral by a person licensed in this state to practice medicine and
46 surgery, podiatry, natureopathy, chiropractic or dentistry, or an
47 advanced practice registered nurse licensed to prescribe in accordance
48 with section 20-94a or a physician assistant licensed to prescribe in
49 accordance with section 20-12d of the 2006 supplement to the general

50 statutes, provided the licensed physical therapist (i) has practiced
51 physical therapy for at least three out of the most recent six years of his
52 or her clinical practice or earned a master's degree or higher in
53 physical therapy from an accredited institution of higher education, (ii)
54 requires any person receiving such treatment to disclose or
55 affirmatively confirm the identity of such person's primary care
56 provider or health care provider of record upon each initial visit for
57 treatment without an oral or written referral, (iii) provides information
58 to any person seeking such treatment regarding the need to consult
59 with such person's primary care provider or health care provider of
60 record regarding such person's underlying medical condition if the
61 condition is prolonged, does not improve within a thirty-day period,
62 or continues to require ongoing continuous treatment, and (iv) refers
63 any person receiving such treatment to an appropriate licensed
64 practitioner of the healing arts if, upon examination or reexamination,
65 the same condition for which the person sought physical therapy does
66 not demonstrate objective, measurable, functional improvement in any
67 period of thirty consecutive days or at the end of six visits, if the visits
68 are within a period of thirty consecutive days.

69 (B) In any case in which the licensed physical therapist (i) does not
70 meet the standards set forth in subparagraph (A) of this subdivision
71 for treatment without a referral, (ii) is required to perform a Grade V
72 spinal manipulation and does not hold a doctorate level degree in
73 physical therapy from an accredited institution of higher education, or
74 have proof of completion of twenty-five hours of course work in Grade
75 V spinal manipulation that meets the minimum standards established
76 by the Physical Therapy Board of Examiners and three years of
77 experience in such manipulation, or (iii) has actual knowledge that the
78 condition for which treatment is being sought is connected to an injury
79 arising out of and in the course of the patient's employment, such
80 treatment shall only be performed upon the oral or written referral of a
81 person licensed in this state or in a [bordering] state having licensing
82 requirements meeting the [approval of] standards set by the
83 Department of Public Health and the appropriate examining board in

84 this state to practice medicine and surgery, podiatry, natureopathy,
 85 chiropractic or dentistry, or an advanced practice registered nurse
 86 licensed to prescribe in accordance with section 20-94a or a physician
 87 assistant licensed to prescribe in accordance with section 20-12d, as
 88 amended. A licensed physical therapist shall not be deemed to be in
 89 violation of subparagraph (B)(iii) of this subdivision if, upon
 90 reasonable inquiry of the patient by such physical therapist into the
 91 nature and source of the patient's condition, the patient fails to disclose
 92 that such condition is connected to an injury that arose out of and in
 93 the course of the patient's employment. Nothing in this section shall
 94 prevent a physical therapist from providing wellness care within the
 95 scope of physical therapy practice to asymptomatic persons without a
 96 referral. Nothing in this section shall require an employer or insurer to
 97 pay for such wellness care. For purposes of this subdivision, "arising
 98 out of and in the course of the patient's employment" has the same
 99 meaning as "arising out of and in the course of his employment" in
 100 section 31-275 of the 2006 supplement to the general statutes.

101 Sec. 4. Subsection (b) of section 20-73 of the general statutes, as
 102 amended by section 15 of public act 00-226, is repealed and the
 103 following is substituted in lieu thereof (*Effective the later of October 1,*
 104 *2000, or the date notice is published by the Commissioner of Public Health in*
 105 *the Connecticut Law Journal indicating that the licensing of athletic trainers*
 106 *and physical therapist assistants is being implemented by the commissioner):*

107 (b) (1) The treatment of human ailments by physical therapy shall
 108 only be performed by a person licensed under the provisions of this
 109 chapter as a physical therapist or physical therapist assistant. Except as
 110 otherwise provided in subdivision (2) of this subsection, such
 111 treatment may be performed by a licensed physical therapist without
 112 an oral or written referral by a person licensed in this state to practice
 113 medicine and surgery, podiatry, natureopathy, chiropractic or
 114 dentistry, or an advanced practice registered nurse licensed to
 115 prescribe in accordance with section 20-94a or a physician assistant
 116 licensed to prescribe in accordance with section 20-12d of the 2006

117 supplement to the general statutes, provided the licensed physical
118 therapist (A) has practiced physical therapy for at least three out of the
119 most recent six years of his or her clinical practice or earned a master's
120 degree or higher in physical therapy from an accredited institution of
121 higher education, (B) requires any person receiving such treatment to
122 disclose or affirmatively confirm the identity of such person's primary
123 care provider or health care provider of record upon each initial visit
124 for treatment without an oral or written referral, (C) provides
125 information to any person seeking such treatment regarding the need
126 to consult with such person's primary care provider or health care
127 provider of record regarding such person's underlying medical
128 condition if the condition is prolonged, does not improve within a
129 thirty-day period, or continues to require ongoing continuous
130 treatment, and (D) refers any person receiving such treatment to an
131 appropriate licensed practitioner of the healing arts if, upon
132 examination or reexamination, the same condition for which the
133 person sought physical therapy does not demonstrate objective,
134 measurable, functional improvement in any period of thirty
135 consecutive days or at the end of six visits, if the visits are within a
136 period of thirty consecutive days.

137 (2) In any case in which the licensed physical therapist (A) does not
138 meet the standards set forth in subdivision (1) of this subsection for
139 treatment without a referral, (B) is required to perform a Grade V
140 spinal manipulation and does not hold a doctorate level degree in
141 physical therapy from an accredited institution of higher education, or
142 have proof of completion of twenty-five hours of course work in Grade
143 V spinal manipulation that meets the minimum standards established
144 by the Physical Therapy Board of Examiners and three years of
145 experience in such manipulation, or (C) has actual knowledge that the
146 condition for which treatment is being sought is connected to an injury
147 arising out of and in the course of the patient's employment, such
148 treatment shall only be performed upon the oral or written referral of a
149 person licensed in this state, or in a [bordering] state having licensing
150 requirements meeting the [approval of] standards set by the

151 Department of Public Health and the appropriate examining board in
 152 this state, to practice medicine and surgery, podiatry, natureopathy,
 153 chiropractic or dentistry, or an advanced practice registered nurse
 154 licensed to prescribe in accordance with section 20-94a or a physician
 155 assistant licensed to prescribe in accordance with section 20-12d, as
 156 amended. A licensed physical therapist shall not be deemed to be in
 157 violation of subparagraph (C) of this subdivision if, upon reasonable
 158 inquiry of the patient by such physical therapist into the nature and
 159 source of the patient's condition, the patient fails to disclose that such
 160 condition is connected to an injury that arose out of and in the course
 161 of the patient's employment. Nothing in this section shall prevent a
 162 physical therapist from providing wellness care within the scope of
 163 physical therapy practice to asymptomatic persons without a referral.
 164 Nothing in this section shall require an employer or insurer to pay for
 165 such wellness care. For purposes of this subdivision, "arising out of
 166 and in the course of the patient's employment" has the same meaning
 167 as "arising out of and in the course of his employment" in section 31-
 168 275 of the 2006 supplement to the general statutes.

169 Sec. 5. Section 20-73a of the general statutes is repealed and the
 170 following is substituted in lieu thereof (*Effective October 1, 2006*):

171 (a) The Board of Examiners for Physical Therapists shall have
 172 jurisdiction to hear all charges of conduct that fails to conform to the
 173 accepted standards of the practice of physical therapy brought against
 174 any person licensed as a physical therapist and, after holding a
 175 hearing, written notice of which shall be given the person complained
 176 of, said board, if it finds such person to be guilty, may revoke or
 177 suspend such person's license or take any of the actions set forth in
 178 section 19a-17. Any proceedings relative to such action may be begun
 179 by the filing of written charges with the Commissioner of Public
 180 Health. The causes for which such action may be taken are as follows:
 181 (1) Conviction in a court of competent jurisdiction, either within or
 182 without this state, of any crime in the practice of his or her profession;
 183 (2) illegal, incompetent or negligent conduct in the practice of physical

184 therapy or in the supervision of a physical therapist assistant; (3)
 185 aiding or abetting the unlawful practice of physical therapy; (4)
 186 treating human ailments by physical therapy without the oral or
 187 written referral by a person licensed in this state or in a [bordering]
 188 state having licensing requirements meeting the approval of the
 189 appropriate examining board in this state to practice medicine and
 190 surgery, podiatry, natureopathy, chiropractic or dentistry if such
 191 referral is required pursuant to section 20-73, as amended by this act;
 192 (5) failure to register with the Department of Public Health as required
 193 by law; (6) fraud or deception in obtaining a license; (7) engaging in
 194 fraud or material deception in the course of professional services or
 195 activities; (8) failure to comply with the continuing education
 196 requirements of section 20-73b, as amended by this act; or (9) violation
 197 of any provision of this chapter, or any regulation adopted [hereunder]
 198 under this chapter.

199 (b) The clerk of any court in this state in which a person practicing
 200 physical therapy has been convicted of any crime as described in this
 201 section shall, immediately after such conviction, transmit a certified
 202 copy, in duplicate, of the information and judgment, without charge,
 203 to the Department of Public Health, containing the name and address
 204 of the physical therapist, the crime of which he has been convicted and
 205 the date of conviction. The hearing on such charges shall be conducted
 206 in accordance with the regulations adopted by the Commissioner of
 207 Public Health. Any person aggrieved by a final decision of said board
 208 may appeal [therefrom] from the decision as provided in section 4-183.
 209 Such appeal shall have precedence over nonprivileged cases in respect
 210 to order of trial. The Attorney General shall act as attorney in the
 211 public interest in defending against such an appeal. The board may
 212 petition the superior court for the judicial district of Hartford to
 213 enforce any action taken pursuant to section 19a-17.

214 Sec. 6. Section 20-73a of the general statutes, as amended by section
 215 16 of public act 00-226, is repealed and the following is substituted in
 216 lieu thereof (*Effective the later of October 1, 2000, or the date notice is*

217 *published by the Commissioner of Public Health in the Connecticut Law*
 218 *Journal indicating that the licensing of athletic trainers and physical therapist*
 219 *assistants is being implemented by the commissioner):*

220 (a) The Board of Examiners for Physical Therapists shall have
 221 jurisdiction to hear all charges of conduct that fails to conform to the
 222 accepted standards of the practice of physical therapy brought against
 223 any person licensed as a physical therapist or physical therapist
 224 assistant and, after holding a hearing, written notice of which shall be
 225 given to the person complained of, the board, if it finds such person to
 226 be guilty, may revoke or suspend such person's license or take any of
 227 the actions set forth in section 19a-17. Any proceedings relative to such
 228 action may be begun by the filing of written charges with the
 229 Commissioner of Public Health. The causes for which such action may
 230 be taken are as follows: (1) Conviction in a court of competent
 231 jurisdiction, either within or without this state, of any crime in the
 232 practice of such person's profession; (2) illegal, incompetent or
 233 negligent conduct in the practice of physical therapy or in the
 234 supervision of a physical therapist assistant; (3) aiding or abetting the
 235 unlawful practice of physical therapy; (4) treating human ailments by
 236 physical therapy without the oral or written referral by a person
 237 licensed in this state or in a [bordering] state having licensing
 238 requirements meeting the approval of the appropriate examining
 239 board in this state to practice medicine and surgery, podiatry,
 240 natureopathy, chiropractic or dentistry if such referral is required
 241 pursuant to section 20-73, as amended by this act; (5) failure to register
 242 with the Department of Public Health as required by law; (6) fraud or
 243 deception in obtaining a license; (7) engaging in fraud or material
 244 deception in the course of professional services or activities; [or] (8)
 245 failure to comply with the continuing education requirements of
 246 section 20-73b, as amended by this act; or (9) violation of any provision
 247 of this chapter, or any regulation adopted under this chapter.

248 (b) The clerk of any court in this state in which a person practicing
 249 physical therapy has been convicted of any crime as described in this

250 section shall, immediately after such conviction, transmit a certified
 251 copy, in duplicate, of the information and judgment, without charge,
 252 to the Department of Public Health, containing the name and address
 253 of the physical therapist or physical therapist assistant, the crime of
 254 which the physical therapist or physical therapist assistant has been
 255 convicted and the date of conviction. The hearing on such charges shall
 256 be conducted in accordance with the regulations adopted by the
 257 Commissioner of Public Health in accordance with chapter 54. Any
 258 person aggrieved by a final decision of the board may appeal
 259 [therefrom] from the decision as provided in section 4-183. Such appeal
 260 shall have precedence over nonprivileged cases in respect to order of
 261 trial. The Attorney General shall act as attorney in the public interest in
 262 defending against such an appeal. The board may petition the superior
 263 court for the judicial district of Hartford to enforce any action taken
 264 pursuant to section 19a-17.

265 Sec. 7. Section 20-73b of the general statutes is repealed and the
 266 following is substituted in lieu thereof (*Effective October 1, 2006*):

267 (a) [Each] Except as otherwise provided in this section, each
 268 physical therapist licensed pursuant to this chapter shall complete a
 269 minimum of twenty hours of continuing education during each
 270 registration period. For purposes of this section, registration period
 271 means the twelve-month period for which a license has been renewed
 272 in accordance with section 19a-88, as amended, and is current and
 273 valid. The continuing education shall be in areas related to the
 274 individual's practice. Qualifying continuing education activities
 275 include, but are not limited to, courses offered or approved by the
 276 Connecticut Physical Therapy Association.

277 (b) Each licensee shall obtain a certificate of completion from the
 278 provider of continuing education activities for all continuing education
 279 hours successfully completed. Each licensee shall maintain such
 280 written documentation for a minimum of three years following the
 281 license renewal date for which the activity satisfies continuing

282 education requirements. Certificates of completion shall be submitted
 283 by the licensee to the Department of Public Health [upon the
 284 department's request] not later than forty-five days after a request by
 285 said department for such certificates. A licensee who fails to comply
 286 with the continuing education requirements may be subject to
 287 disciplinary action pursuant to section 20-73a, as amended by this act.

288 (c) The continuing education requirements shall be waived for
 289 licensees applying for licensure renewal for the first time. The
 290 department may, for a licensee who has a medical disability or illness,
 291 grant a waiver of the continuing education requirements [for a specific
 292 period of time] or may grant the licensee an extension of time in which
 293 to fulfill the requirements, provided the licensee submits to the
 294 Department of Public Health an application for waiver or extension of
 295 time on a form prescribed by said department, along with a
 296 certification by a licensed physician of the disability or illness and such
 297 other documentation as may be required by said department. The
 298 Department of Public Health may grant a waiver or extension for a
 299 period not to exceed one registration period, except that said
 300 department may grant additional waivers or extensions if the medical
 301 disability or illness upon which a waiver or extension is granted
 302 continues beyond the period of the waiver or extension and the
 303 licensee applies to said department for an additional waiver or
 304 extension.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2006</i>	20-66(2)
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Sec. 2	<i>the later of October 1, 2000, or the date notice is published by the Commissioner of Public Health in the Connecticut Law Journal indicating that the licensing of athletic trainers and physical therapist assistants is being implemented by the commissioner</i>	20-66(2)
Sec. 3	<i>October 1, 2006</i>	20-73(a)(2)
Sec. 4	<i>the later of October 1, 2000, or the date notice is published by the Commissioner of Public Health in the Connecticut Law Journal indicating that the licensing of athletic trainers and physical therapist assistants is being implemented by the commissioner</i>	20-73(b)
Sec. 5	<i>October 1, 2006</i>	20-73a
Sec. 6	<i>the later of October 1, 2000, or the date notice is published by the Commissioner of Public Health in the Connecticut Law Journal indicating that the licensing of athletic trainers and physical therapist assistants is being implemented by the commissioner</i>	20-73a
Sec. 7	<i>October 1, 2006</i>	20-73b

Statement of Purpose:

To allow physical therapists who meet certain standards to treat patients directly, without referral from another health care practitioner.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]